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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA - WESTERN DIVISION
HONORABLE OTIS D. WRIGHT
UNITED STATES DISTRICT JUDGE PRESIDING

- - -

United States of America,)	
PLAINTIFF,)	
)	
VS.)	NO. CR 10-351 ODW
)	
Carlos Rivera, Jessica Medina, Raul))	
Prieto,)	
DEFENDANT,)	
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REPORTER'S TRANSCRIPT OF PROCEEDINGS
LOS ANGELES, CALIFORNIA
JURY TRIAL - DAY SIX
WEDNESDAY, DECEMBER 12, 2012

KATIE E. THIBODEAUX, CSR 9858
U.S. Official Court Reporter
312 North Spring Street, #436
Los Angeles, California 90012

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1 LOS ANGELES, CALIFORNIA; WEDNESDAY, DECEMBER 12, 2012

2 1:40 P.M.

3 - - - - -

4
5 (The following proceedings were held at sidebar
6 outside the presence of the jury:)

7 MR. CEPHAS: We have identified an error in the
8 transcription of one of these, and it is one of the ones
9 that they want read back and it was the words supposed to
10 be regular cats.

11 MR. NAVARRO: And it says cuts.

12 MR. CEPHAS: Right. And there is no dispute that
13 is what was said, but they are going to be following it
14 and the copy they have doesn't have the correction on it.

15 MR. NAVARRO: We wanted to make sure they
16 understand these two lines actually say regular cats.

17 THE COURT: Does everybody agree to that?

18 MS. EL-AMAMY: Yes. I brought that out on direct.

19 MR. DORE: If we are directing everyone's
20 attention to it, that sort of suggests that either way
21 the transcript is in the evidence. So one alternative is
22 just to remind them this what they hear is the evidence
23 because otherwise we are focusing on the word which is
24 effectively argumentative. I mean, it was on the record
25 during the trial that that was addressed, and if they are

1 told --

2 MR. NAVARRO: It is only the error we are trying
3 to correct. Nothing else.

4 MR. CEPHAS: It is a simple transcription error.
5 If they weren't going to read the transcript along with
6 it, I wouldn't have a problem. But they are now reading
7 it back, and they may not remember.

8 MS. EL-AMAMY: We could just not show them the
9 transcript.

10 THE COURT: No. No. There is an instruction.
11 Okay. What you hear controls. And I will tell them
12 again, but to call attention to something is not a good
13 idea.

14 MR. NAVARRO: Even though it is an error.

15 THE COURT: It doesn't matter. That is what the
16 instruction is for. If what you hear is different from
17 the transcript, what you hear controls. That is why we
18 have the instruction.

19 MR. CEPHAS: The problem here, your Honor, is
20 because we were getting transcripts late in the game, and
21 this is one of the reasons why we had tried to get an
22 order requiring them to give the transcripts months ago
23 so we would have a chance to listen to them and correct
24 the transcripts so there wouldn't be any errors like
25 this. And so they have a transcript that we all know is

1 wrong. We all agree is wrong. They have asked to hear
2 that recording --

3 THE COURT: I just want to see if I hear something
4 that changes the fundamental premise upon which that
5 instruction was created. There is an error?

6 MR. CEPHAS: My point here, your Honor, if I had
7 had the transcript in time and reviewed it and pointed it
8 out to the government, we wouldn't -- they would have
9 changed it. And if they didn't change it, we would have
10 come before the court and filed a motion and asked them
11 to change it. And I think it would have been changed,
12 but I think they would have agreed to change it.

13 So all I am saying is I think the jury should
14 know -- I think the word should be changed. If nothing
15 else, you could ask the jury to leave for five minutes.
16 We can pick up all their books, line it out, put in the
17 right words. They won't know that we had done that.

18 THE COURT: No. I am not going to emphasize any
19 particular part of this transcript. If you want, I will
20 give the other instruction, repeat that instruction that
21 if the transcript differs from what you hear, what you
22 hear controls.

23 MR. CEPHAS: Alternatively, could I then renew the
24 request that they not be permitted to review that
25 transcript, they just listen to it because --

1 THE COURT: If you all agree, I don't care.

2 MS. EL-AMAMY: I am fine.

3 THE COURT: All right. Done. Done. Then
4 collect, if you wish, if that is how you want to do it.

5 MS. EL-AMAMY: We can just instruct them not to
6 look at it.

7 THE COURT: And, listen, well, you guys decide,
8 look at them. Make sure there is nobody sitting there
9 reading. Let me know.

10 MR. CEPHAS: Thank you.

11 (The following proceedings were held in the
12 presence of the jury:)

13 THE COURT: Okay. We are back on the record.

14 THE COURT: Calling Item 1, CR 10-351, United
15 States of America versus Carlos Rivera and Jessica
16 Medina.

17 Counsel, may I have your appearances, please.

18 MS. EL-AMAMY: Good afternoon, Reena El-Amamy and
19 Michael Dore on behalf of the United States.

20 MR. WALSH: Afternoon, your Honor. Joseph Walsh
21 with Jessica Medina who is present.

22 THE COURT: Afternoon.

23 MR. CEPHAS: Dana Cephas with Raul Prieto who is
24 present.

25 MR. NAVARRO: Your Honor, good afternoon. Angel

1 Navarro present with Carlos Rivera who is seated to my
2 left.

3 THE COURT: Afternoon. All right. And in the
4 presence of the jury.

5 We have received a question from the jury.

6 We received a question from the jury
7 requesting to once again hear Exhibits 85 and 89. So we
8 are now convened in court with all parties present for
9 the purpose of reviewing Exhibit 85, 89 and 148 as well
10 as 77. Which is the exhibit that we were just
11 discussing?

12 MS. EL-AMAMY: It is Exhibit 77, your Honor.

13 THE COURT: 77. All right. Ladies and
14 gentlemen -- and you are going to identify the exhibit
15 before it is played; correct?

16 MS. EL-AMAMY: Yes, your Honor. And the parties
17 have agreed that 77B which has the English or the Spanish
18 only should be shown -- the Spanish translation with the
19 English redacted out should be shown to the jury. I
20 think all the parties agree that the 77B which they have
21 can be read but not the 77A.

22 THE COURT: All right.

23 THE COURT: So when we get to Exhibit 77, ladies
24 and gentlemen, do not refer to the transcript designated
25 77A. All right.

1 I would like to put you on your honor.
2 Otherwise, we are going to have to collect them, but it
3 is important you don't refer to them all right. Good.

4 While they are doing that, ladies and
5 gentlemen, one additional instruction which the lawyers
6 have agreed upon that I should instruct you on now.

7 As I instructed you before the start of your
8 deliberations, it is your duty to weigh and to evaluate
9 all the evidence received in the case and in that process
10 to decide the facts. You should not place undue emphasis
11 on any one piece of evidence including the video and
12 audio played for you today and during the trial.

13 MR. DORE: Your Honor, may I begin playing the
14 recordings?

15 THE COURT: Please.

16 MR. DORE: This is Government's Exhibit 85 which
17 is found in Volume II of the binders that the jury has
18 the transcripts for which are located at Exhibit 85A.

19 (Tape played.)

20 MR. DORE: I apologize, your Honor. It seemed
21 that there might have been some confusion with the jury,
22 and I certainly didn't want to be the one to figure out
23 what it was. So my understanding is that we had received
24 two jury notes, the first of which had requested us to
25 hear -- the jury requested to hear Exhibit 85 and Exhibit

1 89. Specifically, it said 85B which is the Spanish
2 language translation as the exhibit. The recording is 85
3 and 89B. And I was going to start playing 85 and it
4 seemed like the jury was confused by that.

5 THE COURT: All right.

6 I don't know any other way but to send you
7 back and have you redraft your request. If indeed you
8 are seeking the Spanish version, we would like to know
9 that quite clearly, but your note is quite clear. You
10 wish to hear 85B, 89B, 148B and 77B. Correct me if I am
11 wrong. These are all Spanish translations, the B's?

12 MR. DORE: Those specific exhibits are the Spanish
13 language translations of recordings that are marked as
14 85, 89, 148 and 177.

15 THE COURT: I don't know what that means. Does
16 that mean that you took something in Spanish and
17 translated it into English or the other way around?

18 MR. DORE: Your Honor, for some of these
19 recordings, and I apologize just trying to read the tea
20 leaves.

21 THE COURT: We are not going to do that.

22 MR. DORE: No. 85 does not have any Spanish at
23 all, and I think the confusion may have been that they
24 requested an exhibit that isn't the audio recording
25 because the audio recording is 85 opposed to 85B.

1 So my understanding is the jury can look at
2 all the corresponding transcripts for Exhibit 85, 89 and
3 148. Specifically, they can look at the A transcripts in
4 their binders. It is just for 77 that rather than
5 looking at the A, they should be looking at the B
6 pursuant to the discussion that we had with the court
7 earlier.

8 And so that was my understanding and what I
9 intended to do, and I just wanted to make sure that
10 everybody is on the same page, the parties as well as the
11 court.

12 THE COURT: Well, they have made a specific
13 request to hear Exhibit 77B which you cannot do. It is a
14 transcript; correct?

15 MR. DORE: That's correct.

16 THE COURT: All right. Let's do this. Ladies and
17 gentlemen, I want you to go back and put it in plain
18 English specifically what it is you want. Don't use
19 these designations because there is a certain precision
20 in that, and if you get it wrong as maybe has happened
21 here, there is confusion. So in plain English, tell us
22 what it is you want. Okay.

23 All right.

24 (The following proceedings were held outside the
25 presence of the jury:)

1 MS. EL-AMAMY: Given their express request to see
2 the corresponding English transcript, the government is
3 willing to tell them that just making the cuts that
4 transcript should read regular cats. So they have the
5 benefit of reading the other six pages of this thing
6 instead of sitting here listening to it.

7 THE COURT: Whatever you guys will stipulate to,
8 that is fine.

9 (The following proceedings were held in the
10 presence of the jury:)

11 THE COURT: All right. We have clarification now
12 from the jury contained in Jury Note No. 3 that they
13 would like to hear the audio recordings of Exhibits 85,
14 89, 77 and 148 as well as to be able to review the
15 corresponding English transcripts.

16 Mr. Dore, you have something to say that will
17 provide some guidance to the ladies and gentlemen of the
18 jury regarding an error in one of the transcripts?

19 MR. DORE: That's correct, your Honor. The
20 transcript for Exhibit 77, the English language version
21 which is Exhibit 77A on Page 4 of 7, where the transcript
22 says making the cuts. The parties had agreed that the
23 transcript at that point should say regular cats.

24 And so with that, your Honor, we think the
25 jury should be able to read the corresponding English

1 language transcript for that exhibit as well as the
2 others based on that clarification.

3 THE COURT: All right. Excellent. So you are
4 going to begin playing them now and advising the jurors
5 as to exactly which exhibit you are on.

6 MR. DORE: Yes, your Honor. The first exhibit I
7 will be playing is Exhibit 85, the transcript of which is
8 found at Exhibit 85A in Volume II of the binders that the
9 jurors have at their feet in the jury box. If I may give
10 them just a moment so they can get to that portion of the
11 transcript.

12 I am now going to begin playing Exhibit 85.

13 (Tape played.)

14 MR. DORE: Your Honor, I am now going to play the
15 disk marked as Government Exhibit 89, the corresponding
16 English language transcript of which is found at Exhibit
17 89A in Volume II of the binders that the jury has at
18 their feet.

19 (Tape played.)

20 MR. DORE: Your Honor, the next disk I am going to
21 play is what has been marked as Government's Exhibit 77.
22 If I may ask the court CRD to hand out the last two pages
23 of the corresponding transcripts which are not in the
24 juror's binders. These are Pages 6 and 7 of 7 in Exhibit
25 77A.

1 (Tape played.)

2 MR. DORE: Your Honor, the next exhibit is Exhibit
3 148, corresponding English language transcript of which
4 is Exhibit 148A. That one is in Volume 4 of the binders
5 at the feet of the jury in the the jury box.

6 (Tape played.)

7 MR. DORE: Your Honor, that concludes Exhibit 148.

8 We have now played all four of the exhibits
9 requested by the jury.

10 (Recess from 2:22 to 3:49 p.m.)

11 (The following proceedings were held in the
12 presence of the jury:)

13 THE COURT: All right. Ladies and gentlemen, I
14 understand that you have reached a unanimous verdict with
15 respect to one count and one defendant upon which you
16 could not reach a verdict.

17 Who is the foreperson? Mr. Jordan, is that
18 correct, sir?

19 THE JUROR: Yes.

20 THE COURT: All right. Would you please hand
21 Ms. English the special verdict forms.

22 THE JUROR: He told us not to bring anything out.
23 We haven't even filled them out. Oh. Yeah, we did. I'm
24 sorry. They are in there. I'm sorry. It is in the
25 folder. Yes, ma'am. Sorry about that.

1 THE COURT: Let me ask you a question while we are
2 waiting. I saw from your note that you had indicated
3 that you had been deliberating on this one count for a
4 period of five hours and were unable to reach a verdict.

5 My question is do you believe that any further
6 deliberations on your part or the reading of any further
7 instructions would help you break the impasse and reach a
8 unanimous verdict?

9 THE JUROR: No, I don't. No.

10 THE COURT: Is that a feeling that is held by the
11 remainder of the jury? Just by shakes or nods of the
12 head.

13 Everyone appears to be nodding that no further
14 deliberations will be fruitful. All right. Thank you.

15 Does any of the attorneys wish the Allen
16 charge? I won't even look over that side of the room.

17 MR. DORE: No, your Honor.

18 THE COURT: All right. Thank you.

19 (Pause in proceedings.)

20 THE COURT: I need to see counsel.

21 (The following proceedings were held at sidebar
22 outside the presence of the jury:)

23 THE COURT: You wanted to have included on there a
24 lesser included of straight possession?

25 MR. WALSH: Yes, sir.

1 THE COURT: What happens if there is no answer to
2 the question on straight possession, but there is on the
3 greater offense?

4 MR. WALSH: If it is guilty of the greater
5 offense, then they don't proceed to it.

6 THE COURT: That's right. Okay. All right. Then
7 they did it right. Thank you.

8 (The following proceedings were held in the
9 presence of the jury:)

10 THE COURT: Okay. It is my understanding,
11 Mr. Jordan, that it was only with respect to one count,
12 one defendant that the jury has unable to reach a
13 unanimous verdict; is that correct?

14 THE JUROR: That is correct. We were not able to
15 reach a verdict on one of the counts on one defendant.

16 THE COURT: Okay. Because I have yet a second
17 defendant where there is nothing mentioned. There has
18 been a failure to complete the form. I don't know if it
19 is an oversight, but it is a different defendant.

20 THE JUROR: Then there is an oversight. Just the
21 one count on the one defendant.

22 THE COURT: Okay. I will put that one on top. I
23 will let you go back to the jury room and I will tell you
24 which one it is so that you aren't looking all over the
25 place. Page 3. It is on top. All right. We have

1 marked it. I am not suggesting anything. I am simply
2 saying it is incomplete.

3 (The jurors returned to the jury room.)

4 (The following proceedings were held in the
5 presence of the jury:)

6 THE COURT: All right. This time I will ask the
7 clerk to read the verdicts on all three defendants.

8 THE CLERK: United States District Court for the
9 Central District of California, United States of America
10 versus Carlos Rivera, CR No. 10-351-ODW.

11 Defendant No. 7. Count 1, racketeering
12 conspiracy, 18 U.S.C. Section 1962, parenthesis, small D,
13 we, the jury, unanimously find defendant Carlos Rivera
14 guilty as charged in Count 1 of the indictment.

15 Count 2, substantive RICO offenses, 18 U.S.C.,
16 Section 1962, parenthesis, small C, we, the jury,
17 unanimously find beyond a reasonable doubt that defendant
18 Carlos Rivera committed at least two of the following
19 racketeering acts: Racketeering Act No. 1, proven.
20 Racketeering Act No. 6, proven, Racketeering Act No. 7,
21 proven. We, the jury, unanimously find defendant Carlos
22 Rivera guilty as charged in Count 2 of the indictment.

23 Count 5, drug conspiracy, 21 U.S.C., Section
24 846, we, the jury, unanimously find defendant Carlos
25 Rivera guilty.

1 Do you unanimously find that defendant Carlos
2 Rivera conspired to distribute methamphetamine? Yes.

3 No. 6, we, the jury, unanimously find beyond a
4 reasonable doubt that defendant Carlos Rivera's
5 conspiracy to distribute methamphetamine involved at
6 least 500-grams of a mixture or substance containing a
7 detectable amount of methamphetamine or at least 50-grams
8 of actual methamphetamine.

9 Count 6, methamphetamine distribution, 21
10 U.S.C., Sections 841, parenthesis, little A, parenthesis
11 1 and 841 parenthesis, small B, parenthesis 1,
12 parenthesis, capital C.

13 Number 7, we the jury unanimously find
14 defendant Carlos Rivera guilty as charged in Count 6 of
15 the indictment.

16 Count 10, possession with intent to distribute
17 methamphetamine, 21 U.S.C., Sections 841, parenthesis,
18 small A, parenthesis, 1 and 841, parenthesis, small B,
19 parenthesis, 1, parenthesis, capital A, parenthesis,
20 small V, 111.

21 8, we, the jury, unanimously find defendant
22 Carlos Rivera guilty as charged in Count 10 of the
23 indictment.

24 Number 9, we, the jury, unanimously find
25 beyond a reasonable doubt that defendant Carlos Rivera

1 possessed with intent to distribute at least 500-grams of
2 a mixture or substance containing a detectable amount of
3 methamphetamine or at least 50-grams of actual
4 methamphetamine.

5 Count 23, felon in possession of a firearm and
6 ammunition, 18 U.S.C., Section 922, parenthesis, small G,
7 parenthesis, 1.

8 11, we, the jury, unanimously, find defendant
9 Carlos Rivera guilty as charged in Count 23 of the
10 indictment.

11 United States District Court for the Central
12 District of California, United States of America versus
13 Raul Prieto, Criminal No. 10-351-ODW, Defendant No. 29.

14 Count 1, racketeering conspiracy, 18 U.S.C.,
15 Section 1962, parenthesis, small D, unable to reach a
16 unanimous verdict.

17 Count 5, drug conspiracy, 21 U.S.C., Section
18 846.

19 No. 2, we, the jury, unanimously find
20 defendant Raul Prieto guilty as charged in Count 5 of the
21 indictment.

22 No. 3, do you unanimously find that defendant
23 Raul Prieto conspired to distribute methamphetamine?

24 Yes.

25 No. 4, we, the jury, unanimously find beyond a

1 reasonable doubt that defendant Raul Prieto's conspiracy
2 to distribute methamphetamine involved at least 50-grams
3 of a mixture or substance containing a detectable amount
4 of methamphetamine or at least 5-grams of actual
5 methamphetamine.

6 United States District Court for the Central
7 District of California, United States of America versus
8 Jessica Medina, Criminal No. 10-351-ODW, Defendant No.
9 27.

10 Count 1, racketeering conspiracy, 18 U.S.C.,
11 Section 1962, parenthesis, small D, 1. We, the jury,
12 unanimously find defendant Jessica Medina guilty as
13 charged in Count 1 of the indictment.

14 Count 2, substantive RICO offenses. 18
15 U.S.C., Section 1962, parenthesis, small C.

16 2, we, the jury, unanimously find defendant
17 Jessica Medina committed at least two of the following
18 racketeering acts: Racketeering Act No. 1, proven.
19 Racketeering Act No. 7, proven.

20 No. 3, we, the jury, unanimously find
21 defendant Jessica Medina guilty as charged in Count 2 of
22 the indictment.

23 Count 5, drug conspiracy, 21 U.S.C., Section
24 846. No. 4, we, the jury, unanimously find defendant
25 Jessica Medina guilty as charged in Count 5 of the

1 indictment.

2 No. 5, do you unanimously find that defendant
3 Jessica Medina conspired to distribute methamphetamine?
4 Yes.

5 No. 6, we the jury unanimously find beyond a
6 reasonable doubt that defendant Jessica Medina's
7 conspiracy to distribute methamphetamine involved at
8 least 500-grams of a mixture or substance containing a
9 detectable amount of methamphetamine or at least 50-grams
10 of actual methamphetamine.

11 Count 10, possession with intent to distribute
12 methamphetamine, 21 U.S.C., Sections 841, parenthesis,
13 small A, parenthesis 1 and 841, parenthesis, small B,
14 parenthesis 1, parenthesis, capital A, parenthesis V,
15 III, all small letters.

16 No. 7, we, the jury, unanimously find
17 defendant Jessica Medina guilty as charged in Count 10 of
18 the indictment.

19 No. 8, we, the jury, unanimously find beyond a
20 reasonable doubt that defendant Jessica Medina possessed
21 with intent to distribute at least 500-grams of a mixture
22 or substance containing a detectable amount of
23 methamphetamine or at least 50-grams of actual
24 methamphetamine.

25 THE COURT: I haven't been asked, but I am going

1 to poll the jury.

2 Ladies and gentlemen of the jury, I am going
3 to ask you individually to either confirm or deny that
4 that indeed as read is your verdict.

5 Mr. Alvarez, Juror No. 1?

6 THE JUROR: Yes.

7 THE COURT: Juror No. 2, Ms. Spence?

8 THE JUROR: Yes.

9 THE COURT: Juror No. 3, Ms. Davis?

10 THE JUROR: Yes.

11 THE COURT: Juror No. 4, Ms. Gilbert?

12 THE JUROR: Yes.

13 THE COURT: Juror No. 5, Mr. Langley?

14 THE JUROR: Yes.

15 THE COURT: Juror No. 6, Mr. Jordan?

16 THE JUROR: Yes.

17 THE COURT: Juror No. 7, Mr. Wang?

18 THE JUROR: Yes.

19 THE COURT: Juror No. 8, Ms. Cohen?

20 THE JUROR: Yes.

21 THE COURT: Juror No. 9, Mr. Zanon?

22 THE JUROR: Yes.

23 THE COURT: Juror No. 10, Ms. Benedict?

24 THE JUROR: Yes.

25 THE COURT: Juror No. 11, Mr. Rodriguez?

1 THE JUROR: Yes.

2 THE COURT: And Juror No. 12, Mr. Cruz?

3 THE JUROR: Yes.

4 THE COURT: All right. Thank you all.

5 Ladies and gentlemen, this concludes and
6 completes your service on the jury in this case with the
7 thanks of the court and of the attorneys involved. We
8 greatly appreciate your willingness to serve and your
9 participation and the diligence that you obviously
10 exercised in returning a verdict. Thank you.

11 (The following proceedings were held outside the
12 presence of the jury:)

13 THE COURT: All right. Sentencing in this matter
14 will take place on March 11, 2013, 10:00 a.m., this
15 courtroom.

16 Any conflicts from any of the attorneys?

17 MS. EL-AMAMY: No, your Honor.

18 MR. WALSH: No, your Honor.

19 THE COURT: Defense attorneys? All right.
20 Excellent.

21 Mr. Rivera, you will remain in custody pending
22 sentencing.

23 Ms. Medina and Mr. Prieto, you two will remain
24 free on bond under the same terms and conditions.

25 At the time of sentencing be prepared to go

1 into custody. Do not bring an infant to court for
2 sentencing. All right. Okay. Anything else from the
3 government?

4 MS. EL-AMAMY: No, your Honor.

5 THE COURT: Mr. Walsh?

6 MR. WALSH: Yes, your Honor. There is a rule of
7 procedure that gives us only 14 days to file post trial
8 motions unless we get relief from the court and the court
9 grants an extension. I have talked with co-counsel, and
10 we would ask the court if you would extend the time for
11 filing of any post trial motions by the defense to
12 January 28th. And then we will set them for the date of
13 sentencing.

14 THE COURT: I don't mind extending it, but why
15 that long? I understand the holidays. I do.

16 MR. CEPHAS: Just to give us time to review the
17 transcripts.

18 THE COURT: You have been reviewing the
19 transcripts every day. Now, if you make a reasonable
20 request, I will grant it. If you get ridiculous.

21 MR. CEPHAS: Well, I wanted -- the week before, I
22 believe is the holiday, the Martin Luther King holiday.

23 THE COURT: In March?

24 MR. CEPHAS: Talking about the filing date.

25 THE COURT: All right.

1 And, of course, you want to be back in DC for
2 the inauguration. I understand. Go ahead.

3 MR. CEPHAS: So we are just picking a day.
4 January 14th?

5 THE COURT: Okay. Done.

6 MR. CEPHAS: Thank you, your Honor.

7 MR. WALSH: Thank you, your Honor.

8 THE COURT: Anything anyone? Mr. Navarro?

9 MR. NAVARRO: No. Thank you, your Honor. That is
10 fine.

11 Your Honor, I'm sorry. I have one request.
12 Could my client remain at MDC? He hasn't held his
13 children since he got arrested.

14 THE COURT: I don't care. That is fine with me.

15 MR. NAVARRO: Can you make the recommendation?

16 THE COURT: You know they don't listen to me.

17 (Proceedings concluded.)
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CERTIFICATE

I hereby certify that pursuant to Section 753, Title 28,
United States Code, the foregoing is a true and correct
transcript of the stenographically reported proceedings held
in the above-entitled matter and that the transcript page
format is in conformance with the regulations of the
Judicial Conference of the United States.

Date: June 14, 2013

/s/ Katie Thibodeaux, CSR No. 9858, RPR, CRR